<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 and 27-31 are presently pending in this case. Claims 1, 12, 16, 17, and 20-23 are amended and new Claim 31 is added by the present amendment. As amended Claims 1, 12, 16, 17, and 20-23 and new Claim 31 are supported at least by the specification at paragraphs 48 and 102 of the publication of the present application, no new matter is added.

In the outstanding Official Action, Claim 23 was rejected under 35 U.S.C. §101; the specification was objected to; and Claims 1-23 and 27-30 were rejected under 35 U.S.C. §103(a) as unpatentable over <u>Fanning et al.</u> (U.S. Patent No. 6,742,023, hereinafter "<u>Fanning</u>") in view of <u>Weinmann</u> (U.S. Patent No. 7,096,464) and <u>Kohonen et al.</u> ("Self Organization of a Massive Document Collection," hereinafter "<u>Kohonen</u>").

With regard to the rejection of Claim 23 under 35 U.S.C. §101, Claim 23 is amended to recite a "non-transitory computer readable medium." This amendment is made pursuant to the statement dated January 26, 2010 by U.S.P.T.O. Director Kappos in which U.S.P.T.O. Director Kappos states that the U.S.P.T.O. will interpret the term "non-transitory" to exclude signals, and thus describe only a hardware medium. Accordingly, Claim 23 is in compliance with all requirements under 35 U.S.C. §101.

With regard to the objection to the specification, it is also noted that the statement dated January 26, 2010 by U.S.P.T.O. Director Kappos stated that the U.S.P.T.O. will not consider the term "non-transitory computer readable medium" to be new matter unless only signals are described by the specification in question. As at least paragraph 38 of the publication of the specification clearly describes hardware storage devices that one of

ordinary skill art would recognize as a "non-transitory computer readable medium," the

objection to the specification is believed to be overcome.

With regard to the rejection of Claims 1, 16, 17, 21, and 22 as unpatentable over

Fanning in view of Weinmann and Kohonen, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

> a data network;
> an information retrieval client system connected to said
> data network; and
> a plurality of information item storage nodes connected
> to the data network,
> wherein each storage node comprises a store configured
> to store a plurality of information items and an indexer, *the
> indexer configured to generate data including a text-based
> abstraction of an information item, the data abstracting the
> information item, when stored, requiring less storage capacity
> than a corresponding information item, the indexer further
> configured to send the data abstracting the information item
> to the client system via said data network*, the indexer
> configured to maintain a register indicative of whether the data
> abstracting the information item has previously been
> transmitted to the client system, to cause data abstracting
> information items which have not previously been transmitted
> to the client system to be forwarded to the client system, and to
> update the register in accordance with the data abstracting
> information items which were forwarded to the client system,
> and
> said client system includes a node position generating
> unit configured to generate a node position in respect of each
> information item represented by said received data responsive
> to the data abstracting the information item received from said
> indexer of a storage node.

The outstanding Office Action asserted that column 13, lines 6-24 of Fanning

describes "an indexer" as previously recited in Claim 1. This portion of Fanning describes an

audio file converter that samples portions of audio files or converts data into a standard

compressed audio file format. However, neither of these functions can be considered

generating "data including a *text-based abstraction* of an information item" as now recited in

amended Claim 1. Further, as Fanning only describes sending converted audio files, Fanning

cannot describe "the indexer further configured to send the data abstracting the information

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item to the client system via said data network." Accordingly, <u>Fanning</u> cannot describe "an

indexer" as defined in amended Claim 1. Therefore, Claim 1 (and Claims 2-15 dependent

therefrom) is patentable over <u>Fanning</u> in view of <u>Weinmann</u> and <u>Kohonen</u>.

In a similar manner, the "indexer" of Claims 16, 17, and 22, the "generating by each

storage node data including a text-based abstraction of an information item" of Claim 20, and

the "generating data including a text-based abstraction of the information items" of Claim 21

are not believed to be taught or suggested by the proposed combination either, as none of the

cited references describe generating data including a text-based abstraction of an information

item as recited in these claims. Accordingly, Claims 16-23 are also patentable over <u>Fanning</u>,

<u>Weinmann</u>, and <u>Kohonen</u>.

Finally, new Claim 31 recites in part:

> a data network;
> an information retrieval client system connected to said
> data network; and
> a plurality of information item storage nodes connected
> to the data network,
> wherein each storage node comprises a store configured
> to store a plurality of information items and an indexer, ***the
> indexer configured to generate data including a*** *feature-
> based* ***abstraction of an information item, the data abstracting
> the information item, when stored, requiring less storage
> capacity than a corresponding information item, the indexer
> further configured to send the data abstracting the
> information item to the client system via said data network,***
> the indexer configured to maintain a register indicative of
> whether the data abstracting the information item has
> previously been transmitted to the client system, to cause data
> abstracting information items which have not previously been
> transmitted to the client system to be forwarded to the client
> system, and to update the register in accordance with the data
> abstracting information items which were forwarded to the
> client system, and
> said client system includes a node position generating
> unit configured to generate a node position in respect of each
> information item represented by said received data responsive
> to the data abstracting the information item received from said
> indexer of a storage node.

As noted above, <u>Fanning</u> only describes an audio file converter that samples portions of audio files or converts data into a standard compressed audio file format. It is respectfully submitted that neither of these functions can be considered generating "data including a *feature-based abstraction* of an information item" as recited in new Claim 31. Further, as <u>Fanning</u> only describes sending converted audio files, <u>Fanning</u> also cannot describe "the indexer further configured to send the data abstracting the information item to the client system via said data network." Accordingly, <u>Fanning</u> cannot describe "an indexer" as defined in new Claim 31. Therefore, new Claim 31 is also patentable over <u>Fanning</u> in view of <u>Weinmann</u> and <u>Kohonen</u>.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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